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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,594	01/28/2004	Virgil L. Collins	03-876	5205

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/767,594

**Applicant(s)**

COLLINS, VIRGIL L.

**Examiner**

Gregory W. Adams

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 10, 2006 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 13 "the jib and hook" lack antecedent basis and in line 14 "job" should be rewritten as --jib--.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seppaelae (EP 811525) in view of Raisio (US 5,163,800) (previously cited) and Rossi (EP 564403).

Seppaelae discloses a system for loading or unloading a container or other structure from a transport vehicle comprising, in combination an elongated body 1 removably attached to a transport vehicle 15, where the elongated body 1 comprises a track and has a length that is defined by a front end located adjacent to a transport vehicle cab (indicated generally as 15) and a rear end located opposite the front, a multi-stage central hydraulic cylinder 4 having a fixed end and a moving end, where the fixed end is attached to the rear end of the elongated body and the moving end is attached to a carriage 2 such that extending and retracting the central hydraulic cylinder 4 moves the carriage 2 from the rear of the elongated body to the front of the elongated body, where the carriage is slidably attached to the track of the elongated body and is adapted to travel from the rear end to the front end of the elongated body during loading of a container 17 onto the transport vehicle and where the carriage has a combination of, a first engaging mechanism comprising a jib 3 and hook 3.1 connected to a hydraulic cylinder configured to raise and lower the jib and hook about a pivot point, and a second engaging mechanism comprising a cable sheave 3.6 and cable 3.5 combination, where the first and second engaging mechanisms are adapted to releasably engage a container or other structure and are connected to and move with the carriage (C3/L25-35) along the entire length of the elongated body when the central hydraulic cylinder is extended or retracted,

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where extension of the central cylinder 4 moves the carriage to the front end of the elongated body and necessarily causes the container or other structure attached to one of the first or second engaging mechanism to be loaded onto the elongated body; and a second hydraulic cylinder 16.1 connected to the transport vehicle and to the elongated body 1 and oriented such that when the cylinder 16.1 is extended the front end of elongated body 1 is lifted to a position above the rear end of the elongated body. With respect to an "elongated body removably attached" it is noted that removably is interpreted to mean a body that will remove at one end, e.g. tilt, but could also mean completely removed from any connection, e.g. separating from. Seppaelae discloses a cylinder to raise and lower a jib and hook and a cylinder to raise and lower an elongated body.

Raisio discloses a jib 83 and hook 84 connected to a first pair of hydraulic cylinders 85 configured to raise and lower the jib and hook about a pivot point to load cargo having a substantially plane bottom and flexibility in locating of a load hook 84. Col. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Seppaelae's apparatus to include a second pair of hydraulic cylinders 85, as per the teachings of Raisio, for flexibility in loading plane bottomed loads.

Rossi discloses a system for loading or unloading a container or other structure from a transport vehicle comprising a jib/hook 9, 10 and cable/sheave 6, 7 combination and more specifically includes a second pair of hydraulic cylinders 43 connected to a transport vehicle 3 and to an elongated body 16 and oriented such that when the pair of

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cylinders are extended the front end of elongated body is lifted to a position above the rear end of the elongated body. Rossi teaches loading container onto trailer vehicle or unloading container from trailer vehicle under control of vehicle driver. Rossi Abstract. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Seppaelae's apparatus to include a second pair of hydraulic cylinders, as per the teachings of Rossi, to load and unload from a vehicle.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-8 are moot as they are now canceled. New claims 9 & 10 have been considered on the merits above.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EP 564403 to Rossi discloses the combination of a carriage, elongated body, jib/hook, cable/sheave, and cylinders.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA



**EILEEN D. LILLIS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600